

2011

LRB-1187

"/P3" → "/P4"

**Grant, Peter**

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**From:** Griffiths, Ben [BGRIFFITHS@vc.wisc.edu]  
**Sent:** Thursday, February 17, 2011 4:28 PM  
**To:** Grant, Peter  
**Cc:** Lynch, Nancy  
**Subject:** FW: Other changes  
**Importance:** High

Hi Peter: I believe you are correct. I believe our original drafting request was to only specifically carve Madison out of this section if for some reason we would be considered an executive branch agency for purposes of this section. If you are confident UW-Madison is not considered an executive branch agency for purposes of this section, then you are correct that UW-Madison should not be included.

The essential point is that we do not want DOA prior approval to make telecommunications and IT purchases, as we are exempt under current law.

With all the different definitions where sometimes we are an agency and other times not, it gets a bit confusing!

Thank you for pointing this out.

Ben

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**From:** Lynch, Nancy  
**Sent:** Thursday, February 17, 2011 4:20 PM  
**To:** Griffiths, Ben  
**Subject:** FW: Other changes  
**Importance:** High

Please see Peter's question...

Nancy K. Lynch  
Associate Director  
Senior University Legal Counsel  
Administrative Legal Services  
University of Wisconsin-Madison  
361 Bascom Hall  
500 Lincoln Drive  
Madison, Wisconsin 53706  
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Tele: 608.263.7400  
Fax: 608.263.4725  
<http://legal.wisc.edu>

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**From:** Grant, Peter [<mailto:Peter.Grant@legis.wisconsin.gov>]  
**Sent:** Thursday, February 17, 2011 4:19 PM  
**To:** Lynch, Nancy  
**Subject:** RE: Other changes

Nancy, Mark and I have been looking over the draft and we've noticed something that we think should be

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fixed. Look at the treatment of s. 16.71 (1m). Why is UW-Madison included in that section? It's not an executive branch agency. Because it's not an executive branch agency, it does not need to be excluded from 16.71 (1m). To include UW-Madison as if it were an executive branch agency is wrong and may lead to unforeseen and possibly unfortunate (for the UW-Madison) consequences. We strongly recommend that this section of the bill be deleted.

Peter

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**From:** Lynch, Nancy [mailto:NLYNCH@vc.wisc.edu]  
**Sent:** Thursday, February 17, 2011 12:18 PM  
**To:** Grant, Peter; Rutherford, Lisa; Boggs, Breann C - DOA  
**Subject:** RE: Other changes

Peter,

We are working off the Draft we received yesterday at 10:30. In that regard, we have no additional changes other than what we sent yesterday. I understand, however, that our folks have talked directly with Bob H. today about needig language for 20.25 regarding transfer of funds from the local government pooled-investment fund and that Bob should be providing that to you.

Thanks.

Nancy

Nancy K. Lynch  
Associate Director  
Senior University Legal Counsel  
Administrative Legal Services  
University of Wisconsin-Madison  
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500 Lincoln Drive  
Madison, Wisconsin 53706  
Email: nlynch@vc.wisc.edu  
Tele: 608.263.7400  
Fax: 608.263.4725  
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**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Thursday, February 17, 2011 11:56 AM  
**To:** Rutherford, Lisa; Lynch, Nancy; Boggs, Breann C - DOA  
**Subject:** Other changes

If you have additional changes to the draft, please let me know as soon as possible. I'd like to run a P4 to incorporate the few changes we received too late for the P3.

Peter

2/17/2011

## Kunkel, Mark

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**From:** Hanle, Bob - DOA [bob.hanle@wisconsin.gov]  
**Sent:** Wednesday, February 16, 2011 8:32 PM  
**To:** Grant, Peter; Kunkel, Mark; Duchek, Michael  
**Subject:** RE: Last minute change

**Importance:** High

Any news on shipping over the draft? If it went out through Sharepoint I won't see it until tomorrow. If any of you are still around, could you e-mail me the draft directly? Thanks.

**Bob Hanle, Team Leader**  
**State Budget Office**  
**101 E. Wilson St. -- 10th Floor**  
**P.O. Box 7864**  
**Madison, WI 53707-7864**  
**(608) 266-1037**

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Wednesday, February 16, 2011 7:42 PM  
**To:** Hanle, Bob - DOA  
**Cc:** Kunkel, Mark - LEGIS  
**Subject:** RE: Last minute change

Bob, this change will not be in the draft you'll be getting tonight. We'll make the change tomorrow morning.

Peter

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**From:** Hanle, Bob - DOA [mailto:bob.hanle@wisconsin.gov]  
**Sent:** Wednesday, February 16, 2011 5:02 PM  
**To:** Hanaman, Cathlene; Grant, Peter  
**Cc:** Schmiedicke, David P - DOA; Grinde, Kirsten - DOA  
**Subject:** Last minute change  
**Importance:** High

We need a change to draft LRB 1187 to address a cash balance issue. I'm not sure which drafter should get this. Please see below:

- Repeal Section 159 in the bill
- Add language to increase the 30-day additional interfund borrowing limit contained in 20.002 (11)(b)3, to a level that offsets the UW-Madison cash - from 3% to 6%.

Thanks much.

**Bob Hanle, Team Leader**  
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2/22/2011

## Kunkel, Mark

---

**From:** Grant, Peter  
**Sent:** Thursday, February 17, 2011 2:03 PM  
**To:** Kunkel, Mark

I'm tempted to let it go. I know they're not supposed to be totally exempt from the subchapter. And the way it's drafted, they're not. I think it works, in a way. It's just that it may cause problems if, for example, there's a provision that refers to an executive branch agency, and they *don't* want to be included in it. The counter argument would be, if your'e not an exec branch agency, they why was it necessary to exclude you from the coverage of 16.71 (1m)?

**Kunkel, Mark**


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**From:** Hanle, Bob - DOA [bob.hanle@wisconsin.gov]  
**Sent:** Thursday, February 17, 2011 3:23 PM  
**To:** Kunkel, Mark  
**Cc:** Grant, Peter; Hanaman, Cathlene  
**Subject:** RE: Bid section of UW draft

I'll take a look at this, but since I haven't had time to even read through 1187, it may take a little while.

**Bob Hanle, Team Leader**  
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**From:** Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]  
**Sent:** Thursday, February 17, 2011 3:13 PM  
**To:** Hanle, Bob - DOA  
**Cc:** Grant, Peter - LEGIS; Hanaman, Cathlene - LEGIS  
**Subject:** RE: Bid section of UW draft

Bob:

In getting a head start on reconciling -1216/P1 and -1187/P3, we discovered the following issues, on which we'd like your input:

1. On page 32, line 7 of -1187/P3, instead of referring to the department (DOA) soliciting bids, should the reference be to the department or the University of Wisconsin-Madison, whichever is making the purchase? Adding the UW Madison reference seems consistent with page 32 lines 20 to 22, which refer to the UW Madison making purchases.
2. We assume that if the UW Madison must invite competitive sealed bids, then it must follow the procedure described on page 33 lines 9 to 16 of -1187/P3. We are raising this point because page 33 line 9 refers only to the department, but we think that is a mistake. We could correct the mistake by referring to the department of the UW Madison, whichever is making the purchase.
3. On page 34, line 12, should the reference to the department also refer to the UW Madison? We think so, as the UW Madison is mentioned on page 34, lines 5 to 7.
4. On page 30, beginning at line 10 of -1187/P3, the text says that DOA shall not delegate to any executive branch agency, other than the Board of Regents of the UW System or Board of Trustees of the UW Madison.... Similar language is on page 30 beginning at line 15. The problem is that the UW Madison is not an executive branch agency. Because it isn't an executive branch agency, no exception is necessary, so can't we delete the treatment of s. 16.71 (1m) from the bill?

Thanks,

-- Mark

---

**From:** Kunkel, Mark  
**Sent:** Thursday, February 17, 2011 8:51 AM

2/22/2011

**To:** Hanle, Bob - DOA  
**Cc:** Grant, Peter  
**Subject:** RE: Bid section of UW draft

Bob, I think I found the bid draft. It's LRB-1216, with a BB number of 0277. If I got it wrong, let me know.

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**Cc:** Grant, Peter  
**Subject:** Bid section of UW draft  
**Importance:** High

Bob:

You said below that Nancy's item 6 is addressed in another budget request. Would you happen to know the LRB number?

Also, did you receive the /P3 last night?

-- Mark

---

**From:** Grant, Peter  
**Sent:** Wednesday, February 16, 2011 7:00 PM  
**To:** Kunkel, Mark  
**Subject:** FW: Additional responses to Draft 5  
**Importance:** High

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**From:** Hanle, Bob - DOA [mailto:bob.hanle@wisconsin.gov]  
**Sent:** Wednesday, February 16, 2011 6:21 PM  
**To:** Lynch, Nancy; Grant, Peter  
**Subject:** RE: Additional responses to Draft 5  
**Importance:** High

Regarding the last item, the bill includes raising the threshold to \$50,000 for all agencies, so the language is not needed.

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**From:** Lynch, Nancy [mailto:NLYNCH@vc.wisc.edu]  
**Sent:** Wednesday, February 16, 2011 5:40 PM  
**To:** Grant, Peter - LEGIS  
**Cc:** Hanle, Bob - DOA  
**Subject:** RE: Additional responses to Draft 5

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Peter,

1. P. 223 - we struggled with language and a location for the language that is needed to keep university employees covered under the supplemental sick leave conversion program because it is not in Ch. 40, but is through the comp plan. This was the best mechanism to assure their coverage for at least the year through July 1, 2012. Thanks for the catch on the date.

2. Okay

3. Fifth paragraph: I'm sorry to be so insistent on this, but can we instead say "Under this bill, these restrictions do not apply to the authority and the Board of Trustees will establish tuition." I'm okay if you want to delete the "and the Board...", but would ask that you at least use the first portion of the revised sentence I just provided.

4. Thank you for adding the piece about state funding.

5. Did you add the portion about employees retaining Ch. 40 benefits?

6. The bid section at the end of the summary - Ben offered some language for your consideration:

"With some exceptions, purchases for which the estimated cost exceeds \$25,000 require state agencies to solicit sealed bids or solicit bidding by auction, while purchases for which the estimated cost is \$25,000 or less may be made under simplified bidding procedures. Under this bill, the authority may make purchases under the simplified bidding procedures if the estimated cost does not exceed \$50,000. Purchases for which the estimated cost exceeds \$50,000 will continue to be solicited under sealed bids or bidding by auction."

Nancy

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**From:** Grant, Peter [<mailto:Peter.Grant@legis.wisconsin.gov>]  
**Sent:** Wednesday, February 16, 2011 3:33 PM  
**To:** Lynch, Nancy  
**Cc:** Hanle, Bob - DOA  
**Subject:** RE: Additional responses to Draft 5

2/22/2011



Hi Nancy,

On page 223, lines 18 to 20, although we are not sure what it does, we will substitute your exact language shown below. With one change: I think you mean "until July 1, 2012," right? "Until June 30" means until 12:01 am on June 30. (I cc'ed Bob Hanle on this email because this is the kind of information that we usually put in a drafter's note. We don't plan on writing a drafter's note to accompany this draft.)

Regarding page 172, after line 13, we think the note is simply left over from a much earlier draft.

Regarding the fifth paragraph of the analysis: I can't write, "This bill removes these restrictions from the authority...." because the restrictions never applied to the authority. I did not add the rest of your sentence (about authorizing the Board of Trustees to establish tuition) because I think it's implied by my statement, "The bill places no limit on the amount of tuition the Board of Trustees may charge." If you think that statement is incorrect in any way, please let me know.

At your request, I added a sentence in the sixth paragraph about the authority receiving state funding.

Peter

---

**From:** Lynch, Nancy [mailto:NLYNCH@vc.wisc.edu]  
**Sent:** Wednesday, February 16, 2011 2:06 PM  
**To:** Grant, Peter  
**Cc:** Rutherford, Lisa  
**Subject:** Additional responses to Draft 5

Peter,

Changes to the most recent draft.

1. I know you were not focusing on the summary changes, but I'm still requesting that my revised suggestions be adopted (see my email from late yesterday afternoon) The few changes I retained are very important.
2. p. 119, note after line 3 - answer is yes.
3. p. 128, note after line 22 - answer is yes
4. p. 171 note after line 11 - answer is yes
5. p. 172 note after line 13 - is this just left over or do you know of other changes to 40 that we haven't seen yet?
4. p. 223 - lines 18-20 need to be deleted and replaced with the specific language we sent yesterday. Your language does not maintain the supplemental sick leave conversion program for our employees. Our language is repeated here for ease: The Department of Employee Trust Funds shall continue to administer the program defined in section 230.12(9) on behalf of employees of the University of Wisconsin-Madison as defined in ss. 37.13, 37.15 and 37.17 until June 30, 2012.

We are up to date on all your questions other than Mark's follow up on 893 and 895. That will be coming shortly.

Thanks.

Nancy

2/22/2011

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**Kunkel, Mark**

---

**From:** Grant, Peter  
**Sent:** Thursday, February 17, 2011 3:25 PM  
**To:** Kunkel, Mark  
**Subject:** RE: Bid section of UW draft

Looks right to me.

You seem to be assuming that SEC 84 is okay as is, even with the change to \$50,000 on line 6. I think that's right, but it's funny because now, the difference that's emphasized is the difference between \$50k and \$25k. But once it's reconciled, the difference being emphasized is the UW-Madison making the purchase without inviting bids versus the dept. doing so.

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**From:** Kunkel, Mark  
**Sent:** Thursday, February 17, 2011 3:15 PM  
**To:** Grant, Peter  
**Subject:** FW: Bid section of UW draft

I thought I figured out the reconciliation problems, so I thought I'd make the questions to Bob less open-ended. Hope I got it right!

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**From:** Kunkel, Mark  
**Sent:** Thursday, February 17, 2011 3:13 PM  
**To:** Hanle, Bob - DOA  
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2/22/2011

-- Mark

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**Kunkel, Mark**

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**Sent:** Thursday, February 17, 2011 4:03 PM  
**To:** Kunkel, Mark; Grant, Peter; Hanaman, Cathlene  
**Cc:** Boggs, Breann C - DOA  
**Subject:** RE: Bid section of UW draft

In general, 1216 renders the inclusion of UW in the language relating to bidding unnecessary. This was drafted before we realized we were raising the threshold for everyone to \$50,000. Originally, we were going to have two separate thresholds, in which case this language made sense. The intent is that for purchases under \$50,000 no sealed bid is required, but for purchases over \$50,000, all agencies (including UW Madison) should follow the same procedure, which is to go through DOA. I think this may have been a little more complicated when we thought we'd have a higher ceiling for everyone else. The goal was to not have the bidding process apply to Madison for purchases up to \$50,000. Now that the ceiling has been raised for everyone, I don't believe there's any reason to have special provisions for Madison. In fact, as a result of the changes in 1216, the references to Madison should not appear. I guess what I'm saying is that 1216 trumps 1187 as far as bidding goes. Does that make sense, or am I missing something?

Regarding #4, I would leave Madison in, just so there's no doubt. If this creates a problem, let me know. I agree with your point, but I think it Madison may interpret their exclusion differently. Let me know if you have questions.

**Bob Hanle, Team Leader**  
**State Budget Office**  
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UW Madison.... Similar language is on page 30 beginning at line 15. The problem is that the UW Madison is not an executive branch agency. Because it isn't an executive branch agency, no exception is necessary, so can't we delete the treatment of s. 16.71 (1m) from the bill?

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**Subject:** RE: Additional responses to Draft 5  
**Importance:** High

Regarding the last item, the bill includes raising the threshold to \$50,000 for all agencies, so the language is not needed.

2/17/2011

**Bob Hanle, Team Leader**  
**State Budget Office**  
**101 E. Wilson St. -- 10th Floor**  
**P.O. Box 7864**  
**Madison, WI 53707-7864**  
**(608) 266-1037**

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**From:** Lynch, Nancy [mailto:NLYNCH@vc.wisc.edu]  
**Sent:** Wednesday, February 16, 2011 5:40 PM  
**To:** Grant, Peter - LEGIS  
**Cc:** Hanle, Bob - DOA  
**Subject:** RE: Additional responses to Draft 5

Peter,

1. P. 223 - we struggled with language and a location for the language that is needed to keep university employees covered under the supplemental sick leave conversion program because it is not in Ch. 40, but is through the comp plan. This was the best mechanism to assure their coverage for at least the year through July 1, 2012. Thanks for the catch on the date.

2. Okay

3. Fifth paragraph: I'm sorry to be so insistent on this, but can we instead say "Under this bill, these restrictions do not apply to the authority and the Board of Trustees will establish tuition." I'm okay if you want to delete the "and the Board...", but would ask that you at least use the first portion of the revised sentence I just provided.

4. Thank you for adding the piece about state funding.

5. Did you add the portion about employees retaining Ch. 40 benefits?

6. The bid section at the end of the summary - Ben offered some language for your consideration:

"With some exceptions, purchases for which the estimated cost exceeds \$25,000 require state agencies to solicit sealed bids or solicit bidding by auction, while purchases for which the estimated cost is \$25,000 or less may be made under simplified bidding procedures. Under this bill, the authority may make purchases under the simplified bidding procedures if the estimated cost does not exceed \$50,000. Purchases for which the estimated cost exceeds \$50,000 will continue to be solicited under sealed bids or bidding by auction."

Nancy

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2/17/2011

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**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Wednesday, February 16, 2011 3:33 PM  
**To:** Lynch, Nancy  
**Cc:** Hanle, Bob - DOA  
**Subject:** RE: Additional responses to Draft 5

Hi Nancy,

On page 223, lines 18 to 20, although we are not sure what it does, we will substitute your exact language shown below. With one change: I think you mean "until July 1, 2012," right? "Until June 30" means until 12:01 am on June 30. (I cc'ed Bob Hanle on this email because this is the kind of information that we usually put in a drafter's note. We don't plan on writing a drafter's note to accompany this draft.)

Regarding page 172, after line 13, we think the note is simply left over from a much earlier draft.

Regarding the fifth paragraph of the analysis: I can't write, "This bill removes these restrictions from the authority...." because the restrictions never applied to the authority. I did not add the rest of your sentence (about authorizing the Board of Trustees to establish tuition) because I think it's implied by my statement, "The bill places no limit on the amount of tuition the Board of Trustees may charge." If you think that statement is incorrect in any way, please let me know.

At your request, I added a sentence in the sixth paragraph about the authority receiving state funding.

Peter

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**From:** Lynch, Nancy [mailto:NLYNCH@vc.wisc.edu]  
**Sent:** Wednesday, February 16, 2011 2:06 PM  
**To:** Grant, Peter  
**Cc:** Rutherford, Lisa  
**Subject:** Additional responses to Draft 5

Peter,

Changes to the most recent draft.

1. I know you were not focusing on the summary changes, but I'm still requesting that my revised suggestions be adopted (see my email from late yesterday afternoon) The few changes I retained are very important.
2. p. 119, note after line 3 - answer is yes.
3. p. 128, note after line 22 - answer is yes
4. p. 171 note after line 11 - answer is yes
5. p. 172 note after line 13 - is this just left over or do you know of other changes to 40 that we haven't seen yet?
4. p. 223 - lines 18-20 need to be deleted and replaced with the specific language we sent yesterday. Your language does not maintain the supplemental sick leave conversion program for our employees.

2/17/2011

Our language is repeated here for ease: The Department of Employee Trust Funds shall continue to administer the program defined in section 230.12(9) on behalf of employees of the University of Wisconsin-Madison as defined in ss. 37.13, 37.15 and 37.17 until June 30, 2012.

We are up to date on all your questions other than Mark's follow up on 893 and 895. That will be coming shortly.

Thanks.

Nancy

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Senior University Legal Counsel  
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**Kunkel, Mark**

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**From:** Grant, Peter  
**Sent:** Thursday, February 17, 2011 4:19 PM  
**To:** Kunkel, Mark  
**Subject:** FW: Other changes

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**From:** Grant, Peter  
**Sent:** Thursday, February 17, 2011 4:19 PM  
**To:** 'Lynch, Nancy'  
**Subject:** RE: Other changes

Nancy, Mark and I have been looking over the draft and we've noticed something that we think should be fixed. Look at the treatment of s. 16.71 (1m). Why is UW-Madison included in that section? It's not an executive branch agency. Because it's not an executive branch agency, it does not need to be excluded from 16.71 (1m). To include UW-Madison as if it were an executive branch agency is wrong and may lead to unforeseen and possibly unfortunate (for the UW-Madison) consequences. We strongly recommend that this section of the bill be deleted.

Peter

---

**From:** Lynch, Nancy [mailto:NLYNCH@vc.wisc.edu]  
**Sent:** Thursday, February 17, 2011 12:18 PM  
**To:** Grant, Peter; Rutherford, Lisa; Boggs, Breann C - DOA  
**Subject:** RE: Other changes

Peter,

We are working off the Draft we received yesterday at 10:30. In that regard, we have no additional changes other than what we sent yesterday. I understand, however, that our folks have talked directly with Bob H. today about needig language for 20.25 regarding transfer of funds from the local government pooled-investment fund and that Bob should be providing that to you.

Thanks.

Nancy

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2/22/2011

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**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]

**Sent:** Thursday, February 17, 2011 11:56 AM

**To:** Rutherford, Lisa; Lynch, Nancy; Boggs, Breann C - DOA

**Subject:** Other changes

If you have additional changes to the draft, please let me know as soon as possible. I'd like to run a P4 to incorporate the few changes we received too late for the P3.

Peter

2/22/2011

**Kunkel, Mark**

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**From:** Grant, Peter  
**Sent:** Thursday, February 17, 2011 4:37 PM  
**To:** Kunkel, Mark  
**Subject:** FW: Other changes  
**Importance:** High

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**From:** Griffiths, Ben [mailto:BGRIFFITHS@vc.wisc.edu]  
**Sent:** Thursday, February 17, 2011 4:28 PM  
**To:** Grant, Peter  
**Cc:** Lynch, Nancy  
**Subject:** FW: Other changes  
**Importance:** High

Hi Peter: I believe you are correct. I believe our original drafting request was to only specifically carve Madison out of this section if for some reason we would be considered an executive branch agency for purposes of this section. If you are confident UW-Madison is not considered an executive branch agency for purposes of this section, then you are correct that UW-Madison should not be included.

The essential point is that we do not want DOA prior approval to make telecommunications and IT purchases, as we are exempt under current law.

With all the different definitions where sometimes we are an agency and other times not, it gets a bit confusing!

Thank you for pointing this out.

Ben

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**From:** Lynch, Nancy  
**Sent:** Thursday, February 17, 2011 4:20 PM  
**To:** Griffiths, Ben  
**Subject:** FW: Other changes  
**Importance:** High

Please see Peter's question...

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**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Thursday, February 17, 2011 4:19 PM  
**To:** Lynch, Nancy  
**Subject:** RE: Other changes

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Peter

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**From:** Lynch, Nancy [mailto:NLYNCH@vc.wisc.edu]  
**Sent:** Thursday, February 17, 2011 12:18 PM  
**To:** Grant, Peter; Rutherford, Lisa; Boggs, Breann C - DOA  
**Subject:** RE: Other changes

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Nancy

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**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Thursday, February 17, 2011 11:56 AM  
**To:** Rutherford, Lisa; Lynch, Nancy; Boggs, Breann C - DOA  
**Subject:** Other changes

2/22/2011



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Peter